

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GREGORY GARRETT BROWN,

Petitioner,

v.

R.M. LAWLER, et al.,

Respondents.

Civil Action No. 08-319 Erie

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on November 17, 2008 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 39], filed on March 8, 2011, recommended that the Petitioner's Petition for Writ of Habeas Corpus [ECF No. 26] be denied and that a certificate of appealability be denied. The parties were allowed fourteen (14) days from the date of service to file objections. Service was made on the Petitioner by certified mail and on the Respondents. Petitioner filed objections on March 21, 2011 [ECF No. 41]. After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 28th day of March, 2011;

IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Habeas Corpus [ECF No. 26] is DENIED and a certificate of appealability is DENIED.

The Report and Recommendation [ECF No. 39] of Magistrate Judge Baxter, filed on March 8, 2011 is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record

Susan Paradise Baxter, U.S. Magistrate Judge